

Message Text

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DRAFTED BY PM/MC:CGBRYANT,JR:RMH
APPROVED BY PM/MC:WBROBINSON
ARA/RPP - COL. QUIGG (PHONE)
EA/TIMBS - MMEASTON (PHONE)
L/PM - TABOREK (PHONE)

-----118805 171452Z /43

R 170056Z JUN 78
FM SECSTATE WASHDC
TO AMEMBASSY SINGAPORE
INFO AMEMBASSY SANTIAGO

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E.O. 11652: N/A

TAGS: MILI, SN, CI

SUBJECT: INTRANSIT SHIPMENT OF MORTARS

1. ON 2/11/78, U.S. CUSTOMS SERVICE INTERCEPTED AT LOS ANGELES A SHIPMENT OF THIRTY (30) 60 MM MORTARS, COMPONENTS THEREFOR AND RELATED TECHNICAL DATA INTRANSIT THROUGH THE UNITED STATES FROM SINGAPORE TO CHILE. DOCUMENTS RELATING TO THE SHIPMENT SHOW THAT THE EQUIPMENT WAS EXPORTED FROM SINGAPORE BY TRANSPORT SERVICES PTE. LTD. AND CONSIGNED TO M.I.G. /80977, CASSILLA 30, VALAPARAISO, CHILE. REPORTEDLY, M.I.G. IS A CHILEAN GOVERNMENT CONTRACTOR, MAINTAINING TRANSPORTATION SERVICES FOR THE CHILEAN NAVY AND THE DESIGNATOR 80977 INDICATED NAVY PROPERTY.

2. OFFICE OF NAVAL ATTACHE, EMBASSY OF CHILE, ADVISED
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DEPT. THAT MORTARS (A) DESIGNED AND MANUFACTURED BY GOS, (B) PROCURED THROUGH TRANSPORT SERVICES FOR CHILEAN NAVY, (C) SHIPPED FROM SINGAPORE TO LOS ANGELES BY JAPAN AIR LINES FLIGHT 614 ON 2/6/78. SHIPMENT ARRIVED LOS ANGELES 2/11/78 ABROAD JAL FLIGHT 062 AND PERTINENT JAL AIR WAY BILLS ARE 131-3242-2401 AND 131-3242-2412.

3. SECTION 123.03 OF THE INTERNATIONAL TRAFFIC IN ARMS

REGULATIONS (22 CFR 123.03) REQUIRES THAT SUCH TRANSIT SHIPMENTS BE LICENSED BY THE DEPT. (SEE 10 FAM 750, APPENDIX A). HOWEVER, SECTION 406 (A)(2) OF PUBLIC LAW 94-329 (22 USC 2370 NOTE) PRECLUDES THE DEPT. FROM ISSUING ANY LICENSE UNDER THE ARMS EXPORT CONTROL ACT AUTHORIZING THE EXPORT OF DEFENSE ARTICLES OR DEFENSE SERVICES TO CHILE. THEREFORE, THE DEPT. IS PREPARED TO AUTHORIZE THE RETURN OF THE EQUIPMENT IN QUESTION TO SINGAPORE, IN THE ABSENCE OF ANY EVIDENCE SHOWING WILLFUL INTENT BY ANY OF THE PARTIES TO THE SHIPMENT TO VIOLATE THE PERTINENT STATUTES AND REGULATIONS.

4. DEPT. CONTACTED BY A HARRY GRUNFELD, MANDEL & GRUNFELD, 2 WORLD TRADE CENTER, N.Y. WHO INDICATED THAT HE IS ACTING ON BEHALF OF THE FIRM HERMAN LUDWIG, SINGAPORE, AND JAPAN AIR LINES WITH REGARD TO SEIZED MORTARS. GRUNFELD ADVISED TO SUBMIT PETITION FOR RELIEF FROM FORFEITURE OF MORTARS TO DISTRICT DIRECTOR OF CUSTOMS, LOS ANGELES, IN KEEPING WITH THE PROCEDURES OF THAT SERVICE.

5. EMBASSY SINGAPORE IS REQUESTED TO INQUIRE INTO THE CIRCUMSTANCES SURROUNDING THE TRANSACTION AND ASCERTAIN (A) THE MANUFACTURER OF THE MORTARS, (B) THE SELLER, (C) THE PURCHASER, (D) TRANSPORTATION SERVICES ROLE, (E) HERMAN LIMITED OFFICIAL USE

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LUDWIG'S ROLE AND ANY OTHER RELEVANT INFORMATION. AN EXPEDITIOUS RESPONSE WILL BE APPRECIATED. NEWSOM

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